

HOUSE No. 3633

The Commonwealth of Massachusetts

PRESENTED BY:

Andres X. Vargas

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to lead pipe safety.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Andres X. Vargas</i>	<i>3rd Essex</i>	<i>1/9/2023</i>

HOUSE No. 3633

By Representative Vargas of Haverhill, a petition (accompanied by bill, House, No. 3633) of Andres X. Vargas relative to lead pipe safety. Public Health.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act relative to lead pipe safety.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 18 of chapter 29C of the General Laws, as appearing in the 2020
2 Official Edition, is hereby amended by adding the following subsection:-

3 (g) For the purposes of this section, “eligible borrowers” shall include homeowners
4 removing, replacing or otherwise conducting abatement of lead service lines in their premises
5 pursuant to the provisions of section 197 of chapter 111. Homeowners removing, replacing or
6 conducting abatement of lead service lines in their premises shall be eligible for an interest-free
7 loan, grant or other financial assistance from the trust to assist in financing or refinancing the
8 cost of abatement of lead service lines pursuant to chapter 111.

9 SECTION 2. Section 189A of chapter 111 of the General Laws, as so appearing, is
10 hereby amended by inserting after the definition of “Director” the following definition:-

11 “Lead service line”, a portion of pipe that is made of lead, which connects the water main
12 to the building inlet. A lead service line may be owned by the water system, owned by the

13 property owner, or both. For the purposes of this subpart, a galvanized service line is considered
14 a lead service line if it ever was or is currently downstream of any lead service line or service
15 line of unknown material. If the only lead piping serving the home is a lead gooseneck, pigtail, or
16 connector, and it is not a galvanized service line that is considered a lead service line the service
17 line is not a lead service line.

18 SECTION 3. Section 192 of chapter 111 of the General Laws, as so appearing, is hereby
19 amended by inserting after the word “poisoning”, in line 9, the following words:- including, but
20 not limited to, lead service lines.

21 SECTION 4. Chapter 111 of the General Laws is hereby amended by striking out section
22 194 and inserting in place thereof the following section:-

23 Section 194. (a) The director shall, subject to appropriation, establish a comprehensive
24 program for detection of sources of lead poisoning including, but not limited to, lead service
25 lines. Such program shall attempt, to the extent permitted by appropriations, to locate all
26 premises that contain lead service lines and in which the paint, plaster or other accessible
27 structural material contains dangerous levels of lead. The means of detection of lead service lines
28 and the detection and the amount of lead in the paint, plaster or other accessible structural
29 material that produces the danger of lead poisoning shall be determined by regulation by the
30 director in accordance with sound medical practice and current technical knowledge.

31 (b) Such program of detection may, to the extent that all appropriate premises are not
32 inspected, give priority in inspections to those premises located in areas where significant
33 numbers of lead poisoning cases have been reported, and in which children under 6 years of age
34 reside.

35 (c) Upon the request of any occupant and subject to appropriation, the director shall cause
36 to have the occupant's premises inspected, within a reasonable time, not to exceed 10 days,
37 unless systematic inspection of the area in which the person requesting the inspection resides is
38 scheduled within thirty days, in which case said inspection may be deferred up to 20 additional
39 days.

40 (d) When the director is informed of a case of lead poisoning, they shall cause to have
41 inspected the premises in which the victim resides, or has resided within the past 12 months, if
42 the occupants of said premises consent, after reasonable notice, to such inspection. If the
43 occupant refuses admittance, an agent of the director or of any local board of health or code
44 enforcement agency may apply for a search warrant to permit entry. A court may issue a warrant
45 upon a showing that a victim of lead poisoning resides in said premises. The findings of such
46 inspection shall be reported to the director and to the appropriate enforcement authorities.

47 (e) Lead service lines or a dangerous level of lead found in premises inspected pursuant
48 to this section or otherwise, shall be reported immediately to the owner of the building, all
49 mortgagees and lien holders of record, the director, the public water system serving the property,
50 and all affected tenants as outlined below. The owner of such building shall comply with any
51 order to correct violations issued by the director, any local board of health or any code
52 enforcement agency within the time established by regulations promulgated by the director.
53 Except as otherwise provided, abatement or containment of lead shall not be required unless the
54 premises has been occupied by a poisoned child within the past 12 months or is occupied by a
55 child under 6 years of age. When lead service lines or dangerous levels of lead are present on the
56 exterior of the building or in common areas, notice shall be given to all occupants of the
57 building; and when lead service lines or such levels are present only within particular premises,

58 notice shall be given to the occupants of the premises involved. The director shall promulgate
59 regulations specifying the form and content of all required notices.

60 (f) When lead service lines or a dangerous level of lead is found in premises inspected
61 pursuant to this section, or otherwise, the director shall cause to have screened all children under
62 6 years of age, and such other children as they may find advisable to screen, residing or who
63 have resided within the past 12 months in said premises. The results of such screening shall be
64 reported to the director and the affected child's parent or legal guardian. The director shall inform
65 such other persons or agencies as they deems advisable, subject to the provisions of section 191
66 relating to the names of affected individuals.

67 (g) The director shall provide by regulation for the implementation by local boards of
68 health, code enforcement agencies and housing inspection agencies of the provisions of this
69 section and the periodic reporting to him of the results of all inspections of premises conducted
70 hereunder by said boards and agencies.

71 (h) The director shall maintain comprehensive records of all inspections conducted
72 pursuant to this section and a record of a lead lines inventory as required by the Environmental
73 Protection Agency shall be conducted and publicly available by October 2024. Such records and
74 inventory shall be geographically indexed in order to determine the location of areas of relatively
75 high incidence of lead service lines or of dangerous lead levels. Such records shall be public
76 records. A summary of the results of all inspections conducted pursuant to this section shall be
77 released annually, or more frequently if the director so determines, to all interested parties. The
78 commissioner and each municipality of the commonwealth shall publish and maintain the
79 records and inventory on its website for access by the public.

80 SECTION 5. Section 197 of said chapter 111, as appearing in the 2020 Official Edition,
81 is hereby amended by striking out subsection (a) and inserting in place thereof the following
82 subsection:-

83 (a) Whenever a child under 6 years of age resides in any premises in which any paint,
84 plaster or other accessible structural material contains dangerous levels of lead or the premises
85 contains lead service lines, the owner shall remove the lead service lines and abate or contain
86 said paint, plaster or other accessible structural materials in accordance with the requirements of
87 subsection (b) or (c). Except as provided in section 197D, whenever any such premises
88 containing lead service lines or said dangerous levels of lead undergoes a change of ownership
89 and as a result a child under 6 years of age will become or will continue to be a resident therein,
90 the new owner shall have 90 days to remove said lead service lines or contain or abate said paint,
91 plaster or other accessible structural material as required by this section, so as to make the
92 premises in compliance with the provisions of sections 189A to 199 B, inclusive. All lead service
93 line removal shall be conducted in accordance with the requirements of 40 CFR §141.84 and 310
94 CMR 22.00 et seq. After October 2024, any homeowner selling their premises shall conduct due
95 diligence and consult the lead line inventory described in subsection (h) of section 194 to
96 determine if the premises is serviced by lead service lines and inform potential buyers of the
97 information. The public water system shall have the authority to enter the premises to replace
98 lead service lines.

99 SECTION 6. Said section 197 of said chapter 111, as so appearing, is hereby further
100 amended by inserting after the word “lead”, in line 17, the following words:- or lead service
101 lines.

102 SECTION 7. Said section 197 of said chapter 111, as so appearing, is hereby further
103 amended by inserting after the word “address”, in line 29, the following words:- the existence of
104 lead service lines or.

105 SECTION 8. Said section 197 of said chapter 111, as so appearing, is hereby further
106 amended by inserting after the word “material”, in line 124, the following words:- or to remove
107 service lines pipes.

108 SECTION 9. Said section 197 of said chapter 111, as so appearing, is hereby further
109 amended by inserting after the word “All”, in line 133, the following word:- removal,.

110 SECTION 10. Paragraph (1) of subsection (c) of said section 197 of said chapter 111, as
111 so appearing, is hereby amended by adding the following sentence: - All lead service lines shall
112 be removed and there shall be no partial replacements.